

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DEFENDANT VANDERBILT UNIVERSITY'S MOTION TO DISMISS

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Vanderbilt University respectfully moves this Court to dismiss the Complaint filed by John Doe, individually and on behalf of others similarly situated, in the above-captioned matter in its entirety. As set forth in the accompanying Memorandum of Law, Plaintiff failed to state a claim upon which relief can be granted. As relevant to all of Plaintiff's claims, Tennessee law provides that courts must dismiss claims alleging that educators' discretionary decisions adversely affected the quality or value of an education. In addition, Plaintiff fails to specifically identify the contract or provision he says was breached, while existing contract documents indicate that Plaintiff may not receive refunds for tuition or fees under these circumstances. Finally, Plaintiff's unjust enrichment and conversion claims are barred in light of the contract between the parties, and Plaintiff also fails to adequately plead the elements of each of those claims.

WHEREFORE, for the reasons set forth in the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss, Vanderbilt University respectfully requests that this Court dismiss the Plaintiff's Complaint in its entirety.

Dated: June 22, 2020

Respectfully submitted,

/s/ Kevin C. Klein

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CERTIFICATE OF SERVICE

I certify that on the 22nd day of June 2020, a true and exact copy of this **MOTION TO DISMISS** was electronically filed with the Clerk of the District Court and served by operation of the Court's electronic filing system upon the following:

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